

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

BRENDA BUSH,

Plaintiff,

v.

Case No. 2:23-cv-02613-MSN-cgc
JURY DEMAND

GARDAWORLD SECURITY
COMPANY and TAYLOR HUNTER,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION FOR *SUA SPONTE*
DISMISSAL WITH LEAVE TO AMEND**

Before the Court is the Magistrate Judge's Report and Recommendation. ("Report," ECF No. 9.) For the reasons set forth below, the Report is **ADOPTED**.

BACKGROUND

Plaintiff filed a *Pro Se* Complaint against Defendants on September 26, 2023. (ECF No. 1.) On February 22, 2024, the Magistrate Judge filed her Report, which recommended that Plaintiff's Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted and that Plaintiff be permitted thirty (30) days in which to amend certain claims against Defendant GardaWorld Security Company. (ECF No. 9 at PageID 32.) The Report advised that a party could object to its proposed findings and recommendations within fourteen days of service of the Report and further notified parties that "[f]ailure to file objections within fourteen (14) days may constitute forfeiture/waiver of objections, exceptions, and further appeal." (*Id.* at PageID 33.) Neither party filed objections to the Report and the time for doing so has passed.

STANDARD OF REVIEW

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869–70 (1989)); *see also Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. §636(b)(1). After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge’s proposed findings or recommendations. 28 U.S.C. § 636(b)(1). The district court is not required to review—under a *de novo* or any other standard—those aspects of the report and recommendation to which no objection is made. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the magistrate judge’s findings and rulings to which no specific objection is filed. *See id.* at 151.

Objections to any part of a magistrate judge’s disposition “must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *see also Arn*, 474 U.S. at 147 (stating that the purpose of the rule is to “focus attention on those issues . . . that are at the heart of the parties’ dispute.”). Each objection to the magistrate judge’s recommendation should include how the analysis is wrong, why it was wrong, and how *de novo* review will obtain a different result on that particular issue. *See Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). A general objection, or one that merely restates the arguments previously presented and addressed by the magistrate judge, does not sufficiently identify alleged errors in the report and recommendation. *Id.* When an objection reiterates the arguments presented to the magistrate judge, the report and recommendation should be reviewed for clear error. *Verdone v. Comm’r of Soc. Sec.*, No. 16-CV-

14178, 2018 WL 1516918, at *2 (E.D. Mich. Mar. 28, 2018) (citing *Ramirez v. United States*, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)); *Equal Employment Opportunity Comm'n v. Dolgencorp, LLC*, 277 F. Supp. 3d 932, 965 (E.D. Tenn. 2017).

DISCUSSION

The deadline to object to the Report has passed, and Plaintiff has filed no objections. The Court has reviewed the Report for clear error and finds none. For the foregoing reasons, the Court adopts the Report in full.

CONCLUSION

The Magistrate Judge's Report is **ADOPTED**, Plaintiff's Complaint is **DISMISSED**, and Plaintiff is **GRANTED** leave to amend only her claims under the Americans with Disabilities Act against Defendant GardaWorld Security Company. Plaintiff shall have up to and including **September 2, 2024** in which to file an amended complaint.

IT IS SO ORDERED, this 1st day of August, 2024.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE